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By: **Prince George's County Delegation**

Introduced and read first time: February 9, 2001

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's Community College - Collective Bargaining**  
3 **PG 407-01**

4 FOR the purpose of providing for collective bargaining for part- and full-time  
5 employees at Prince George's Community College; providing procedures for the  
6 election or recognition of an exclusive bargaining representative that include  
7 procedures by which the Commissioner of Labor and Industry may designate a  
8 bargaining unit; providing for the settlement of a grievance; creating certain  
9 requirements for employee organizations and providing sanctions for a failure to  
10 comply with those requirements; requiring that the constitution and bylaws of  
11 an employee organization require certain acts by the organization; authorizing  
12 mediation and fact-finding and providing for fact-finding procedures;  
13 prohibiting public employees and exclusive bargaining representatives from  
14 engaging in a strike and providing sanctions for engaging in a strike; requiring  
15 the parties to collective bargaining to make every effort to conclude negotiations  
16 by a certain time; providing that a collective bargaining agreement may be  
17 reopened if the governing body of Prince George's County does not provide the  
18 funds necessary to fully implement the agreement; providing for the rights and  
19 obligations of employees, the exclusive bargaining representative, and the  
20 employing Community College; providing that the provisions of this Act expire  
21 and become void under certain conditions; providing for the application of  
22 certain other provisions of law relating to labor disputes; authorizing bargaining  
23 over service fees and requiring the automatic deduction from payroll of union  
24 dues and service fees; defining certain terms; and generally relating to collective  
25 bargaining, exclusive bargaining representatives, mediation, fact-finding,  
26 grievances, labor disputes, and strikes at Prince George's Community College.

27 BY adding to  
28 Article - Education  
29 Section 16-414.1  
30 Annotated Code of Maryland  
31 (1999 Replacement Volume and 2000 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Education**

4 16-414.1.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "AGREEMENT" MEANS A WRITTEN CONTRACT BETWEEN THE PUBLIC  
8 EMPLOYER AND AN EMPLOYEE ORGANIZATION.

9 (3) "ARBITRATION" MEANS A PROCEDURE WHEREBY PARTIES INVOLVED  
10 IN A GRIEVANCE DISPUTE SUBMIT THEIR DIFFERENCES TO AN IMPARTIAL THIRD  
11 PARTY FOR A FINAL AND BINDING DECISION.

12 (4) (I) "COLLECTIVE BARGAINING" MEANS:

13 1. THE PERFORMANCE BY A CERTIFIED EMPLOYEE  
14 ORGANIZATION, THROUGH ITS DESIGNATED REPRESENTATIVE, AND THE PUBLIC  
15 EMPLOYER OF THEIR MUTUAL OBLIGATIONS TO MEET AT REASONABLE TIMES AND  
16 NEGOTIATE IN GOOD FAITH WITH RESPECT TO WAGES, HOURS, AND OTHER TERMS  
17 AND CONDITIONS OF EMPLOYMENT; OR

18 2. A. THE NEGOTIATION OF A COLLECTIVE BARGAINING  
19 AGREEMENT OR ANY QUESTIONS ARISING UNDER A COLLECTIVE BARGAINING  
20 AGREEMENT; AND

21 B. THE EXECUTION OF VARIOUS AGREEMENTS  
22 INCORPORATING THE TERMS AGREED TO BY BOTH PARTIES.

23 (II) IN COLLECTIVE BARGAINING, A PARTY MAY NOT BE  
24 COMPELLED TO AGREE TO A PROPOSAL OR BE REQUIRED TO MAKE A CONCESSION  
25 TO THE OTHER PARTY.

26 (5) "COMMISSIONER" MEANS THE STATE COMMISSIONER OF LABOR AND  
27 INDUSTRY OR THE COMMISSIONER'S DESIGNEE.

28 (6) "CONFIDENTIAL EMPLOYEE" MEANS A PUBLIC EMPLOYEE WHOSE  
29 UNRESTRICTED ACCESS TO PERSONNEL, BUDGETARY, OR FISCAL DATA SUBJECT TO  
30 USE BY THE PUBLIC EMPLOYER IN COLLECTIVE BARGAINING, OR WHOSE CLOSE,  
31 CONTINUING WORKING RELATIONSHIP WITH THOSE RESPONSIBLE FOR  
32 NEGOTIATING ON BEHALF OF THE PUBLIC EMPLOYER, WOULD MAKE THE  
33 EMPLOYEE'S MEMBERSHIP IN AN EMPLOYEE ORGANIZATION AS A RANK AND FILE  
34 EMPLOYEE INCOMPATIBLE WITH THE EMPLOYEE'S DUTIES.

35 (7) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION OF PUBLIC  
36 EMPLOYEES WHICH HAS AS ONE OF ITS PRIMARY PURPOSES REPRESENTING THOSE  
37 EMPLOYEES IN COLLECTIVE BARGAINING.

1           (8)     "EXCLUSIVE REPRESENTATIVE" MEANS AN EMPLOYEE  
2 ORGANIZATION WHICH HAS BEEN CERTIFIED BY THE COMMISSIONER AS  
3 REPRESENTING THE EMPLOYEES OF A BARGAINING UNIT.

4           (9)     "FACT-FINDING" MEANS A PROCESS WHICH INCLUDES:

5                   (I)     THE IDENTIFICATION OF THE MAJOR ISSUES IN A PARTICULAR  
6 IMPASSE;

7                   (II)    THE REVIEW OF THE POSITIONS OF THE PARTIES;

8                   (III)   A RESOLUTION OF FACTUAL DIFFERENCES BY AN IMPARTIAL  
9 INDIVIDUAL OR PANEL; AND

10                  (IV)    THE MAKING OF RECOMMENDATIONS FOR SETTLEMENT OF  
11 THE IMPASSE.

12           (10)    "GRIEVANCE" MEANS A DISPUTE CONCERNING THE APPLICATION OR  
13 INTERPRETATION OF THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT.

14           (11)    "IMPASSE" MEANS A FAILURE BY THE PUBLIC EMPLOYER AND AN  
15 EXCLUSIVE REPRESENTATIVE TO ACHIEVE AGREEMENT IN THE COURSE OF  
16 COLLECTIVE BARGAINING.

17           (12)    "MEDIATION" MEANS ASSISTANCE BY AN IMPARTIAL THIRD PARTY  
18 TO RECONCILE A DISPUTE ARISING OUT OF COLLECTIVE BARGAINING THROUGH  
19 INTERPRETATION, SUGGESTION, AND ADVICE.

20           (13)    "PUBLIC EMPLOYEE" MEANS AN EMPLOYEE EMPLOYED BY THE  
21 PUBLIC EMPLOYER, EXCEPT:

22                   (I)     EMPLOYEES INVOLVED DIRECTLY IN THE DETERMINATION OF  
23 POLICY;

24                   (II)    SUPERVISORY OR CONFIDENTIAL EMPLOYEES; AND

25                   (III)   STUDENT ASSISTANTS.

26           (14)    "PUBLIC EMPLOYER" MEANS THE BOARD OF COMMUNITY COLLEGE  
27 TRUSTEES FOR PRINCE GEORGE'S COUNTY.

28           (15)    "STRIKE" MEANS A PUBLIC EMPLOYEE'S REFUSAL, IN CONCERTED  
29 ACTION WITH OTHERS, TO REPORT FOR DUTY, OR WILLFUL ABSENCE FROM THE  
30 POSITION, OR STOPPAGE OF WORK, OR ABSTINENCE IN WHOLE OR IN PART FROM  
31 THE PROPER PERFORMANCE OF THE DUTIES OF EMPLOYMENT, FOR THE PURPOSE  
32 OF INDUCING, INFLUENCING, OR COERCING A CHANGE IN THE WAGES, HOURS, OR  
33 OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

34           (16)    (I)     "SUPERVISORY EMPLOYEE" MEANS A PUBLIC EMPLOYEE WHO  
35 HAS THE AUTHORITY TO ACT ON BEHALF OF THE PUBLIC EMPLOYER TO:

1                               1.       HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE,  
2 DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE OTHER EMPLOYEES;

3                               2.       DIRECT EMPLOYEES RESPONSIBLY;

4                               3.       ADJUST EMPLOYEE GRIEVANCES; OR

5                               4.       RECOMMEND EFFECTIVELY ONE OF THE ACTIONS SET  
6 FORTH IN ITEMS 1 THROUGH 3 OF THIS SUBPARAGRAPH, IF:

7                               A.       THE EXERCISE OF THIS AUTHORITY IS NOT MERELY OF A  
8 ROUTINE OR CLERICAL NATURE; AND

9                               B.       REQUIRES THE EXERCISE OF INDEPENDENT JUDGMENT.

10                            (II)       UNLESS A DEPARTMENT CHAIRMAN CLEARLY PERFORMS THE  
11 FUNCTIONS LISTED IN THIS PARAGRAPH, A DEPARTMENT CHAIRMAN MAY NOT BE  
12 CONSIDERED A SUPERVISORY EMPLOYEE FOR THE PURPOSES OF THIS SECTION.

13       (B)       THE PUBLIC EMPLOYER SHALL DETERMINE WHETHER A PUBLIC  
14 EMPLOYEE IS TO BE CONSIDERED A PUBLIC EMPLOYEE FOR COLLECTIVE  
15 BARGAINING PURPOSES. EITHER PARTY OR AN EMPLOYEE ORGANIZATION MAY  
16 APPEAL THE DETERMINATION TO THE COMMISSIONER FOR A FINAL AND BINDING  
17 DECISION.

18       (C)       (1)       AFTER RECEIVING A PETITION FOR AN ELECTION FOR EXCLUSIVE  
19 REPRESENTATIVE, THE COMMISSIONER SHALL:

20                            (I)       INVESTIGATE THE PETITION FOR PURPOSES OF VERIFICATION  
21 AND VALIDATION;

22                            (II)       CONDUCT A PUBLIC HEARING, RECEIVING WRITTEN AND ORAL  
23 TESTIMONY; AND

24                            (III)       FILE AN ORDER DEFINING THE MOST APPROPRIATE  
25 BARGAINING UNIT.

26                            (2)       (I)       THE COMMISSIONER MAY NOT DESIGNATE MORE THAN TWO  
27 BARGAINING UNITS.

28                            (II)       IN DEFINING A BARGAINING UNIT, THE COMMISSIONER SHALL  
29 CONSIDER, IN ADDITION TO OTHER RELEVANT FACTORS:

30                               1.       THE EFFICIENCY OF OPERATIONS OF THE PUBLIC  
31 EMPLOYER;

32                               2.       THE EFFECT OF OVER-FRAGMENTATION OF BARGAINING  
33 UNITS ON THE EFFICIENT ADMINISTRATION OF THE PUBLIC EMPLOYER;

34                               3.       THE COMMUNITY OF INTEREST OF PUBLIC EMPLOYEES;  
35 AND

1 4. THE ADMINISTRATIVE STRUCTURE OF THE PUBLIC  
2 EMPLOYER.

3 (D) (1) AFTER OCTOBER 1, 2001, AN ELECTION OR RECOGNITION OF AN  
4 EXCLUSIVE REPRESENTATIVE SHALL BE CONDUCTED BY THE COMMISSIONER FOR  
5 EACH UNIT AFTER THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS  
6 SECTION HAVE BEEN MET BY THAT UNIT.

7 (2) A PETITION FOR AN ELECTION MAY BE SUBMITTED BY:

8 (I) AN EMPLOYEE ORGANIZATION THAT DEMONSTRATES THAT 30  
9 PERCENT OF THE EMPLOYEES IN A BARGAINING UNIT WISH TO BE REPRESENTED  
10 FOR COLLECTIVE BARGAINING BY AN EXCLUSIVE REPRESENTATIVE;

11 (II) A PUBLIC EMPLOYEE, A GROUP OF PUBLIC EMPLOYEES, OR AN  
12 EMPLOYEE ORGANIZATION THAT DEMONSTRATES THAT 30 PERCENT OF THE  
13 EMPLOYEES ASSERT THE DESIGNATED EXCLUSIVE REPRESENTATIVE IS NO LONGER  
14 THE REPRESENTATIVE OF THE MAJORITY OF EMPLOYEES IN THE UNIT; OR

15 (III) IF THE COMMISSIONER FINDS, ON INVESTIGATION OF THE  
16 PUBLIC EMPLOYER'S PETITION, THAT A VALID QUESTION OF REPRESENTATION  
17 EXISTS, A PUBLIC EMPLOYER THAT DEMONSTRATES THAT ONE OR MORE EMPLOYEE  
18 ORGANIZATIONS HAS PRESENTED TO IT A CLAIM, SUPPORTED BY SUBSTANTIAL  
19 PROOF, TO BE CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE.

20                   (3)       THERE SHALL BE ON THE BALLOT:

21 (I) THE NAME OR NAMES OF THE EMPLOYEE ORGANIZATION  
22 SUBMITTING THE VALID PETITION;

23 (II) THE NAME OF ANY OTHER EMPLOYEE ORGANIZATION  
24 DESIGNATED IN A VALID PETITION SIGNED BY MORE THAN 10 PERCENT OF THE  
25 EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT; AND

26 (III) A PROVISION FOR "NO REPRESENTATION".

27 (4) (I) IN ANY ELECTION WHERE NONE OF THE CHOICES ON THE  
28 BALLOT RECEIVES A MAJORITY OF THE VOTES CAST, A RUNOFF ELECTION SHALL BE  
29 CONDUCTED, WITH THE BALLOT PROVIDING FOR A SELECTION BETWEEN THE TWO  
30 CHOICES RECEIVING THE HIGHEST NUMBER OF BALLOTS CAST IN THE ELECTION.

31 (II) AN EMPLOYEE ORGANIZATION RECEIVING A MAJORITY OF  
32 VOTES CAST IN AN ELECTION SHALL BE CERTIFIED BY THE COMMISSIONER AS THE  
33 EXCLUSIVE REPRESENTATIVE FOR COLLECTIVE BARGAINING PURPOSES.

34 (III) AN EMPLOYEE ORGANIZATION MAY BE CERTIFIED AS AN  
35 EXCLUSIVE REPRESENTATIVE ONLY AS PROVIDED UNDER THIS SECTION.

36 (5) THE ELECTION OF AN EXCLUSIVE REPRESENTATIVE SHALL BE  
37 CONDUCTED BY:

1 (I) SECRET BALLOT; AND

2 (II) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE.

3 (6) THE ELECTION OF AN EXCLUSIVE REPRESENTATIVE MAY NOT BE  
4 CONDUCTED IN ANY UNIT IN WHICH A VALID ELECTION HAS BEEN HELD WITHIN  
5 THE PRECEDING 2 YEARS.

6 (E) (1) EXCEPT FOR A BARGAINING UNIT FOR WHICH EMPLOYEES ARE  
7 CERTIFIED UNDER THIS LAW TO BE REPRESENTED BY ANOTHER EXCLUSIVE  
8 REPRESENTATIVE, AN EMPLOYEE ORGANIZATION MAY REQUEST RECOGNITION AS  
9 THE EXCLUSIVE REPRESENTATIVE FOR A BARGAINING UNIT FOR WHICH THE  
10 EMPLOYEE ORGANIZATION CLAIMS MAJORITY STATUS.

11 (2) THE COMMISSIONER SHALL REVIEW ANY EMPLOYEES'  
12 AUTHORIZATION CARDS OR MEMBERSHIP INFORMATION WHICH THE EXCLUSIVE  
13 REPRESENTATIVE SUBMITS IN SUPPORT OF ITS CLAIM TO REPRESENT A MAJORITY  
14 OF THE EMPLOYEES THEN WORKING IN THE BARGAINING UNIT.

15 (3) IF THE COMMISSIONER VERIFIES THAT A MAJORITY OF THE  
16 EMPLOYEES THEN WORKING IN THE UNIT HAVE JOINED THE EMPLOYEE  
17 ORGANIZATION OR HAVE DESIGNATED IT AS THEIR EXCLUSIVE REPRESENTATIVE,  
18 THE COMMISSIONER SHALL CERTIFY THE EMPLOYEE ORGANIZATION AS THE  
19 EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES FOR COLLECTIVE BARGAINING  
20 PURPOSES.

21 (F) (1) THE PUBLIC EMPLOYER SHALL EXTEND TO AN EMPLOYEE  
22 ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE THE RIGHT TO  
23 REPRESENT THE PUBLIC EMPLOYEES OF THE UNIT INVOLVED IN COLLECTIVE  
24 BARGAINING AND IN THE SETTLEMENT OF GRIEVANCES.

25 (2) AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE  
26 REPRESENTATIVE FOR A BARGAINING UNIT SHALL:

27 (I) SERVE AS THE BARGAINING AGENT FOR ALL PUBLIC  
28 EMPLOYEES IN THE BARGAINING UNIT; AND

29 (II) REPRESENT FAIRLY AND WITHOUT DISCRIMINATION EACH  
30 PUBLIC EMPLOYEE IN THE UNIT WITHOUT REGARD TO WHETHER THE EMPLOYEE IS  
31 A MEMBER OF THE EMPLOYEE ORGANIZATION.

32 (3) ON BEHALF OF THE EXCLUSIVE REPRESENTATIVE FOR PAYMENT TO  
33 THE EXCLUSIVE REPRESENTATIVE, THE PUBLIC EMPLOYER SHALL AUTOMATICALLY  
34 DEDUCT FROM THE PAYCHECK OF EACH PUBLIC EMPLOYEE IN A BARGAINING UNIT  
35 REPRESENTED BY AN EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE  
36 REPRESENTATIVE FOR THAT BARGAINING UNIT:

37 (I) ANY UNION DUES AUTHORIZED AND OWED BY THE EMPLOYEE  
38 TO THE ORGANIZATION; AND

1 (II) ANY SERVICE FEES AUTHORIZED AND OWED BY THE  
2 EMPLOYEE TO THE ORGANIZATION.

3 (4) (I) EVERY EMPLOYEE ORGANIZATION WHICH HAS OR SEEKS  
4 CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE SHALL FILE, WITH THE PUBLIC  
5 EMPLOYER AND THE COMMISSIONER, A COPY OF THE EMPLOYEE ORGANIZATION'S  
6 CONSTITUTION AND BYLAWS.

7 (II) EACH CHANGE AND AMENDMENT TO THE CONSTITUTION AND  
8 BYLAWS SHALL BE PROMPTLY REPORTED.

9 (5) (I) EACH EMPLOYEE ORGANIZATION SHALL FILE WITH THE  
10 PUBLIC EMPLOYER AND THE COMMISSIONER AN ANNUAL REPORT.

11 (II) THE ANNUAL REPORT SHALL INCLUDE A FINANCIAL REPORT,  
12 SIGNED BY THE ORGANIZATION'S PRESIDENT AND TREASURER OR CORRESPONDING  
13 PRINCIPAL OFFICERS, THAT CONTAINS INFORMATION IN THE DETAIL NECESSARY TO  
14 ACCURATELY DISCLOSE THE FINANCIAL CONDITION AND OPERATIONS OF THE  
15 ORGANIZATION.

16 (6) THE CONSTITUTION OR BYLAWS OF AN EMPLOYEE ORGANIZATION  
17 SHALL REQUIRE THAT THE EMPLOYEE ORGANIZATION:

18 (I) PLEDGE THAT THE ORGANIZATION WILL ACCEPT MEMBERS  
19 WITHOUT REGARD TO AGE, RACE, SEX, RELIGION, MARITAL STATUS, DISABILITY, OR  
20 NATIONAL ORIGIN;

21 (II) KEEP ACCURATE ACCOUNTS OF ALL INCOME AND EXPENSES  
22 AND PREPARE AN ANNUAL FINANCIAL REPORT;

23 (III) KEEP ORGANIZATION ACCOUNTS OPEN FOR INSPECTION BY  
24 ANY MEMBER OF THE ORGANIZATION;

25 (IV) MAKE ANY LOANS TO OFFICERS AND AGENTS OF THE  
26 ORGANIZATION ONLY ON THE SAME TERMS AND CONDITIONS THAT LOANS ARE  
27 MADE AVAILABLE TO ALL OTHER MEMBERS;

28 (V) ENSURE THAT PERIODIC ELECTIONS ARE BY SECRET BALLOT  
29 AND SUBJECT TO RECOGNIZED SAFEGUARDS CONCERNING THE EQUAL RIGHT OF  
30 ALL MEMBERS TO NOMINATE, SEEK OFFICE, AND VOTE;

31 (VI) ENSURE THAT INDIVIDUAL MEMBERS HAVE THE RIGHT TO  
32 PARTICIPATE IN THE AFFAIRS OF THE ORGANIZATION; AND

33 (VII) DEVELOP AND MAINTAIN PROCEDURES FOR DISCIPLINARY  
34 ACTIONS THAT ARE FAIR AND EQUITABLE.

35 (7) THE COMMISSIONER MAY NOT CERTIFY AN EMPLOYEE  
36 ORGANIZATION FOR THE PURPOSE OF NEGOTIATING WITH THE PUBLIC EMPLOYER  
37 IF:

1 (I) THE ORGANIZATION HAS NOT FILED AN ANNUAL REPORT; OR

2 (II) THE ORGANIZATION'S CONSTITUTION AND BYLAWS DO NOT  
3 CONFORM TO THE REQUIREMENTS OF PARAGRAPH (6) OF THIS SUBSECTION.

4 (G) COLLECTIVE BARGAINING SHALL INCLUDE ALL MATTERS RELATING TO:

5 (1) WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF  
6 EMPLOYMENT; AND

7 (2) THE PROCEDURES FOR THE EMPLOYEE ORGANIZATION TO RECEIVE  
8 MEMBERSHIP DUES AND SERVICE FEES THROUGH PAYROLL DEDUCTION.

9 (H) IN THE COURSE OF COLLECTIVE BARGAINING, THE PUBLIC EMPLOYER  
10 AND THE EXCLUSIVE REPRESENTATIVE SHALL MAKE EVERY REASONABLE EFFORT  
11 TO CONCLUDE NEGOTIATIONS PRIOR TO THE BUDGET SUBMISSION DATE OF THE  
12 PUBLIC EMPLOYER, IN ORDER THAT THE GOVERNING BODY OF PRINCE GEORGE'S  
13 COUNTY MAY ACT ON THE OPERATING BUDGET OF THE PUBLIC EMPLOYER.

14 (I) (1) IF IN THE COURSE OF COLLECTIVE BARGAINING A PARTY DEEMS  
15 THAT AN IMPASSE EXISTS, THAT PARTY MAY REQUEST THE SERVICES OF THE  
16 COMMISSIONER IN MEDIATION OR ENGAGE ANOTHER MUTUALLY AGREED UPON  
17 MEDIATOR.

18 (2) (I) BY MUTUAL AGREEMENT, THE PARTIES MAY ENGAGE IN  
19 FACT-FINDING.

20 (II) 1. IF THERE IS NOT MUTUAL AGREEMENT, EITHER PARTY,  
21 AFTER A REASONABLE PERIOD OF MEDIATION, MAY PETITION THE COMMISSIONER  
22 TO INITIATE FACT-FINDING.

23 2. A. AFTER CONSIDERING THE STATUS OF BARGAINING  
24 AND THE BUDGET SCHEDULE OF THE PUBLIC EMPLOYER, THE COMMISSIONER MAY  
25 FIND THAT AN IMPASSE EXISTS AND MAY NOTIFY THE PARTIES THAT FACT-FINDING  
26 IS TO BE INITIATED.

27 B. THE PUBLIC EMPLOYER AND THE EXCLUSIVE  
28 REPRESENTATIVE MAY SELECT THEIR OWN FACT FINDER.

29 C. IF THE PARTIES HAVE NOT SELECTED THEIR OWN FACT  
30 FINDER WITHIN 5 DAYS OF THE REQUIRED NOTIFICATION, THE COMMISSIONER  
31 SHALL SUBMIT TO THE PARTIES THE NAMES OF FIVE QUALIFIED PERSONS. EACH  
32 PARTY ALTERNATELY SHALL STRIKE TWO NAMES FROM THE LIST. THE ORDER OF  
33 STRIKING SHALL BE DETERMINED BY LOT. THE REMAINING INDIVIDUAL SHALL BE  
34 THE FACT FINDER.

35 D. THE FACT FINDER SELECTED BY THE PARTIES SHALL  
36 CONDUCT HEARINGS AND MAY ADMINISTER OATHS.



1 E. THE FACT FINDER SHALL MAKE WRITTEN FINDINGS OF  
2 FACT AND RECOMMENDATIONS FOR RESOLUTION OF THE IMPASSE.

3 F. NOT LATER THAN 30 DAYS AFTER THE DATE OF  
4 APPOINTMENT, THE FACT FINDER SHALL TRANSMIT THE FINDINGS TO THE PUBLIC  
5 EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE.

6 G. IF THE IMPASSE CONTINUES 10 DAYS AFTER THE REPORT  
7 IS SUBMITTED TO THE PARTIES, THE REPORT SHALL BE MADE AVAILABLE TO THE  
8 PUBLIC.

9 (III) THE PARTIES SHALL BEAR EQUALLY THE COSTS OF  
10 FACT-FINDING.

11 (J) (1) A PUBLIC EMPLOYEE MAY NOT ENGAGE IN A STRIKE.

12 (2) A PUBLIC EMPLOYEE MAY NOT RECEIVE PAY OR COMPENSATION  
13 FROM THE PUBLIC EMPLOYER FOR ANY PERIOD DURING WHICH THE PUBLIC  
14 EMPLOYEE IS ENGAGED IN A STRIKE.

15 (3) IF A STRIKE OF PUBLIC EMPLOYEES OCCURS IN PRINCE GEORGE'S  
16 COUNTY, A COURT OF COMPETENT JURISDICTION MAY ENJOIN THE STRIKE AT THE  
17 REQUEST OF THE PUBLIC EMPLOYER.

18 (4) IF AN EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE  
19 REPRESENTATIVE ENGAGES IN A STRIKE, THE COMMISSIONER SHALL REVOKE THE  
20 ORGANIZATION'S CERTIFICATION AS EXCLUSIVE REPRESENTATIVE.

21 (5) AN EMPLOYEE ORGANIZATION WHICH ENGAGES IN A STRIKE AND  
22 HAS ITS CERTIFICATION REVOKED SHALL BE INELIGIBLE TO BE CERTIFIED AS AN  
23 EXCLUSIVE REPRESENTATIVE FOR A PERIOD OF 1 YEAR FOLLOWING THE END OF  
24 THE STRIKE.

25 (K) (1) THE PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE  
26 SHALL EXECUTE A WRITTEN AGREEMENT BY INCORPORATING ANY MATTERS OF  
27 AGREEMENT REACHED ON WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF  
28 EMPLOYMENT.

29 (2) A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE A  
30 PROVISION FOR THE ARBITRATION OF GRIEVANCES ARISING UNDER AN  
31 AGREEMENT.

32 (3) (I) A COLLECTIVE BARGAINING AGREEMENT MAY NOT INCLUDE  
33 MATTERS RELATING TO THE EMPLOYEES' OR TEACHERS' RETIREMENT SYSTEMS  
34 OTHERWISE COVERED BY THE ANNOTATED CODE OF MARYLAND.

35 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT PROHIBIT A  
36 DISCUSSION OF THE TERMS OF THE RETIREMENT SYSTEMS IN THE COURSE OF  
37 COLLECTIVE BARGAINING.

1 (4) THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT SHALL  
2 SUPERSEDE ANY CONFLICTING REGULATIONS OR ADMINISTRATIVE POLICIES OF  
3 THE PUBLIC EMPLOYER.

4 (5) A REQUEST FOR FUNDS NECESSARY TO IMPLEMENT A COLLECTIVE  
5 BARGAINING AGREEMENT SHALL BE SUBMITTED BY THE PUBLIC EMPLOYER IN A  
6 TIMELY FASHION FOR CONSIDERATION IN THE BUDGET PROCESS OF THE COUNTY.

7 (6) NOT LATER THAN 20 DAYS AFTER FINAL BUDGET ACTION BY THE  
8 GOVERNING BODY OF PRINCE GEORGE'S COUNTY, IF A REQUEST FOR FUNDS  
9 NECESSARY TO IMPLEMENT A COLLECTIVE BARGAINING AGREEMENT IS REDUCED,  
10 MODIFIED, OR REJECTED BY THE GOVERNING BODY, EITHER PARTY TO THE  
11 AGREEMENT MAY REOPEN THE AGREEMENT.

12 (L) THE PUBLIC EMPLOYER HAS THE RIGHT TO:

13 (1) DETERMINE HOW THE STATUTORY MANDATE AND GOALS OF THE  
14 COLLEGE, INCLUDING THE FUNCTIONS AND PROGRAMS OF THE COLLEGE, ITS  
15 OVERALL BUDGET, AND ITS ORGANIZATIONAL STRUCTURE, ARE TO BE CARRIED OUT;  
16 AND

17 (2) DIRECT COLLEGE PERSONNEL.

18 (M) (1) PUBLIC EMPLOYEES HAVE THE RIGHT TO:

19 (I) ORGANIZE;

20 (II) FORM, JOIN, OR ASSIST ANY EMPLOYEE ORGANIZATION;

21 (III) BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES THEY  
22 HAVE CHOSEN;

23 (IV) ENGAGE IN OTHER LAWFUL CONCERTED ACTIVITY FOR THE  
24 PURPOSE OF COLLECTIVE BARGAINING; OR

25 (V) REFRAIN FROM ENGAGING IN THE ACTIVITIES LISTED UNDER  
26 THIS PARAGRAPH.

27 (2) (I) A PUBLIC EMPLOYEE OR GROUP OF PUBLIC EMPLOYEES HAS  
28 THE RIGHT, AT ANY TIME, TO:

29 1. PRESENT A GRIEVANCE ARISING UNDER THE TERMS OF  
30 THE AGREEMENT TO THE PUBLIC EMPLOYER; AND

31 2. HAVE THE GRIEVANCE ADJUSTED WITHOUT THE  
32 INTERVENTION OF THE EXCLUSIVE REPRESENTATIVE.

33 (II) THE EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO BE  
34 PRESENT DURING ANY MEETING INVOLVING THE PRESENTATION OR ADJUSTMENT  
35 OF A GRIEVANCE.

1 (III) THE PUBLIC EMPLOYER HAS THE DUTY TO HEAR A GRIEVANCE  
2 AND PARTICIPATE IN THE ADJUSTMENT OF THE GRIEVANCE.

3 (IV) THE ADJUSTMENT OF A GRIEVANCE MAY NOT BE  
4 INCONSISTENT WITH THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT  
5 THEN IN EFFECT.

6 (V) THE PUBLIC EMPLOYER SHALL GIVE PROMPT NOTICE OF ANY  
7 ADJUSTMENT OF A GRIEVANCE TO THE EXCLUSIVE REPRESENTATIVE.

8 (3) THE PUBLIC EMPLOYER AND A PUBLIC EMPLOYEE ORGANIZATION  
9 MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE  
10 AGAINST A PUBLIC EMPLOYEE BECAUSE THE EMPLOYEE EXERCISES RIGHTS  
11 GRANTED UNDER THIS SUBSECTION.

12 (N) IF A PUBLIC GENERAL LAW ON COLLECTIVE BARGAINING GENERALLY  
13 APPLICABLE TO COMMUNITY COLLEGES BECOMES EFFECTIVE, THE AUTHORITY  
14 GRANTED UNDER THIS SECTION, ANY PROCEDURES ADOPTED UNDER THIS SECTION,  
15 AND ANY DECISION, ACTION, OR AGREEMENT MADE UNDER THIS SECTION SHALL  
16 EXPIRE AND BECOME VOID.

17 (O) EXCEPT AS PROVIDED IN THIS SECTION, THIS SECTION MAY NOT BE  
18 INTERPRETED TO RENDER THE PROVISIONS OF TITLE 4, SUBTITLES 1 THROUGH 3 OF  
19 THE LABOR AND EMPLOYMENT ARTICLE APPLICABLE TO EMPLOYMENT AT PRINCE  
20 GEORGE'S COMMUNITY COLLEGE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2001.